

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
LUBART : Confirmation No. 9559  
Serial No. 10/688,785 : Group Art Unit: 2874  
Filed: October 17, 2003 : Examiner: Kevin S. Wood  
For: LIGHT CONTROL DEVICES AND METHODS OF MAKING SAME

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for the Applicant's unintentional failure to timely file corrected drawings as required by, and within the three month period set in, the Notice of Allowability mailed October 3, 2007. A Notice of Abandonment was mailed on January 29, 2008 to the previous attorney of record.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

Please find enclosed the following items:

1. A copy of the Notice of Abandonment under 37 C.F.R. 1.135(a);
2. Petition fee: Credit card payment of the \$770.00 petition fee under 37 CFR 1.17(m);

3. A complete set of corrected drawings in compliance with 37 C.F.R 1.121(d) including replacement sheets for Figures 12 and 13.
4. Statement: Due to a clerical error, Applicant's issue fee payment on January 2, 2008 unintentionally failed to include the corrected drawings. Additionally, Applicant was made aware of the Notice of Abandonment (mailed January 29, 2008) upon performing a status check on the United States Patent and Trademark Office website at the end of March, as the Notice was sent to the previous law firm of record. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0436 in the name of Pepper Hamilton LLP.

Respectfully submitted

PEPPER HAMILTON LLP

A handwritten signature in black ink, appearing to read 'Alka Patel', is written over the printed name.

Alka Patel  
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Date: July 24, 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,785	10/17/2003	Neil D. Lubart	29808-12	9559
7590 01/29/2008 BENESCH FRIEDLANDER COPLAN & ARONOFF, LLP 2300 BP TOWER 200 PUBLIC SQUARE CLEVELAND, OH 44114-2378				
EXAMINER WOOD, KEVIN S				
ART UNIT		PAPER NUMBER		
2874				
MAIL DATE		DELIVERY MODE		
01/29/2008		PAPER		

## Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
    - (1) a timely filed amendment which places the application in condition for allowance;
    - (2) a timely filed Notice of Appeal (with appeal fee);
    - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.  
The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☒ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone Inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management